

NO. 23875

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

LAWRENCE PERRY, Defendant-Appellant

APPEAL FROM THE SECOND CIRCUIT COURT
(CR. NO. 96-0309)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Defendant-appellant Lawrence Perry appeals from the amended judgment and sentence of the circuit court of the second circuit, the Honorable Rhonda I. L. Loo presiding, resentencing Perry to a term of imprisonment of twenty years for conviction of sexual assault in the first degree, one year for each of three misdemeanor convictions to run concurrently, and ten years for conviction of sexual assault in the second degree to run consecutively. On appeal, Perry argues that (1) the resentencing court abused its discretion by imposing consecutive terms and (2) the resentencing judge exceeded her statutory authority because district court judges do not have authority to sentence convicted felons.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments made and the issues raised by the parties, we hold that the sentence imposed by the resentencing court was not an

abuse of discretion and that the Honorable Rhonda I. L. Loo was vested with the authority to resentence Perry.

THEREFORE, IT IS HEREBY ORDERED that the circuit court's judgment of conviction is affirmed.

DATED: Honolulu, Hawai'i, June 13, 2002.

On the briefs:

Verdine Kong
for defendant-appellant

Simone C. Polak, Deputy
Prosecuting Attorney,
for plaintiff-appellee